
**DEPARTMENT OF HUMAN SERVICES
FAMILY INDEPENDENCE
FOOD STAMPS**

TANF or PaS Reference

CFR 273.15

Section: **FS-777-1**

ADMINISTRATIVE PROCEDURES

Fair Hearings

Different
Chap. I, Sec. C

GENERAL RULE - A household has an opportunity for a fair hearing when it disagrees with actions affecting its benefits. Any request for a fair hearing must be made within ninety days of the date of the action. The Department may waive time limits. Requests for hearings may be made orally or in writing at the Regional Office or at the Central Office. All decisions of fair hearing officials are binding on the Department.

NOTE: Clients who are dissatisfied with any action shall be given the opportunity to discuss their case with the immediate supervisor. The household shall be advised that this meeting with the supervisor is optional and will not delay or replace a fair hearing.

TIME LIMITS ON HEARINGS - The Department has sixty days from the date of the request for a hearing to hold the hearing, render the decision, and notify the household. Decisions will be implemented immediately.

The household can have the hearing postponed for up to thirty days. The time limit is extended accordingly.

NOTE: Hearing requests from households planning to move from the area within sixty days shall be processed faster than normal to enable a decision and possible restoration of benefits before they leave.

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DEPARTMENTAL RESPONSIBILITIES ON HEARING REQUESTS

- 1) Provide without charge the specific Department documents requested by the client or his representative.
- 2) Provide a translator, if necessary.
- 3) Advise the household of legal services available.

DENIAL/DISMISSAL - The Administrative Hearings Unit shall not deny or dismiss a hearing request unless:

- 1) the request is not received within ninety days of the action.
- 2) the request is withdrawn.
- 3) the household or its representative fails to appear at the scheduled hearing, and does not present evidence that his absence was beyond his control.

CONTINUATION OF BENEFITS - If a household requests a hearing within twelve days of the notice, and the certification period has not expired, benefits shall be continued as authorized immediately prior to the notice unless the household waives continuation of benefits.

If the hearing request is not made within twelve days, benefits shall be reduced or terminated, as stated in the notice.

NOTE: If the Department is upheld, a claim against the household shall be established for all over-issuances which resulted from the continuation of benefits.

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CHANGING BENEFITS PENDING A HEARING DECISION - Benefits shall not be changed prior to the hearing decision unless:

- 1) the certification period expires.
- 2) a subsequent change affects the household's benefits.
- 3) a mass change occurs, affecting the household's eligibility or benefit level.

NOTIFICATION OF HEARING - The time, date, and place of the hearing shall be arranged so that the hearing is accessible to the household. Written notice to all parties shall be provided at least ten days prior to the hearing. The notice shall

- 1) give the time, date, and place of the hearing.
- 2) give the name, address, and telephone number of the person to notify if it is not possible for the household to attend.
- 3) specify that the Department will dismiss the request if the household or its representative fails to appear without good cause.
- 4) include the hearing procedures.
- 5) state that the household or its representative examine the case file prior to the hearing.

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THE HEARINGS OFFICER - Hearings shall be conducted by a Department hearing officer. The hearing officer shall:

- 1) administer oaths to all witnesses.
- 2) ensure that all relevant issues are considered.
- 3) request, receive, and make part of the record all necessary evidence.
- 4) regulate the hearing consistent with due process.
- 5) render a decision.

ATTENDANCE AT THE HEARING - The hearing shall be attended by at least one agency representative and at least one household representative.

HOUSEHOLD'S RIGHTS

- 1) The household shall be given an opportunity to examine all evidence at a reasonable time before the hearing, as well as at the hearing. The contents of the case file shall be made available.

EXCEPTION: Do not disclose the names of persons who have informed on the household and do not disclose the nature or status of any pending criminal prosecutions. Information that is protected from release cannot be presented at the hearing.

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- 2) Present the case itself or have it presented by a legal counsel or other person.
- 3) Bring witnesses.
- 4) Advance arguments without undue interference.
- 5) Submit evidence to establish all pertinent facts and circumstances in the case.
- 6) Subpoena witnesses.

THE HEARING DECISION - The decisions of the Hearings Unit shall comply with the Federal law and regulations, and shall be based on the hearing record. The verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the official proceeding, shall be retained for three years. This record shall also be available, upon request, to the household or its representative at any reasonable time for copying and inspection at no cost.

A decision by the Hearings Unit shall be binding on the Department and shall summarize the facts of the case, specify the reasons for the decision, and identify the pertinent Federal regulations. The decision shall become part of the record.

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NONE

ADMINISTRATIVE PROCEDURES

Intentional Program Violation (IPV)

GENERAL RULE - Any suspected program violation shall be investigated. When there is sufficient documentary evidence to substantiate that the violation was intentional, initiate an administrative disqualification hearing, regardless of the current eligibility status of the individual. A second party, preferably the immediate supervisor, shall review the evidence prior to initiating a disqualification hearing.

Do not initiate any collection activity until a determination has been made as to whether or not an IPV has occurred.

DEFINITION OF INTENTIONAL PROGRAM VIOLATION

Federal rules at 7 CFR 273.16(c) state that an intentional program violation has been committed when:

1. A false or misleading statement has intentionally been made.
or
2. A household member has intentionally misrepresented, concealed, or withheld facts.
or
3. A household member has intentionally committed any act that constitutes a violation of the Food Stamp Act, the Food Stamp program regulations or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons.

The IPV determination can be made by a department hearing officer, a signed Waiver of Hearing, or a judge. The Family Independence Specialist may choose to begin the disqualification process with an interview, at which time the accused individual may choose to sign a Waiver of Hearing.

NOTE: While most Intentional Program Violations result in a monetary loss to the program, a household's willful misrepresentation is sufficient grounds to pursue an IPV even when no overpayment of Food Stamp benefits occurred.

If it is determined that the violation does not meet the definition of a IPV, collection action shall be initiated as an unintentional or agency claim, as appropriate.

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Intentional Program Violation (IPV)

REFERRAL FOR CRIMINAL PROSECUTION

Individuals determined to have committed an IPV through the administrative disqualification process are automatically referred to the Fraud Investigation and Recovery Unit (FIRU) via the computer, when IPV overpayments are input into the computer system. FIRU staff consider these individuals for prosecution.

NOTE: Do not delay the FS disqualification penalty and collection action pending prosecution.

ADMINISTRATIVE DISQUALIFICATION PROCEDURES

Written notice to the person accused of the violation shall be mailed at least 45 days in advance of the scheduled hearing in order to assure that the notice is received 30 days prior to the hearing. The first notice shall be mailed "CERTIFIED/RETURN RECEIPT REQUESTED/RESTRICTED DELIVERY". The notice shall contain:

- 1) the date, time and place of the hearing.
- 2) the charges against the household member.
- 3) a summary of the evidence, and how and where it can be examined.
- 4) a warning that the decision will be based solely on information provided by the food stamp office if the household fails to appear at the hearing.

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- 5) a statement that the household member or representative will have 10 days from the date of the scheduled hearing to present good cause for failure to appear in order to receive a new hearing.
- 6) a warning that a determination of intentional program violation will result in a 1 year disqualification for the 1st violation (six months if the alleged IPV offense occurred before 8/22/96), 2 year disqualification for the 2nd violation (one year if the alleged IPV offense occurred before 8/22/96), and permanent disqualification for the 3rd violation and a statement of which penalty is applicable to the case scheduled for a hearing.

NOTE: To determine the approximate disqualification period, the Disqualified Recipient Subsystem (DRS) must be checked for prior IPV(s) in other states. If it is discovered that an IPV occurred in another state, independent verification of the IPV must be obtained and notice provided to the applicable household member before the DRS information can be used in determining an appropriate disqualification period for any subsequent IPV. A recipient has the right to request a fair hearing if the recipient disagrees with the length of the disqualification that DRS indicates was imposed by a State. However, the fair hearing cannot reverse a determination established at a previous administrative disqualification hearing that the recipient has committed an Intentional Program Violation.

A copy of the hearings procedures and the opportunity to waive the right to the hearing shall also be provided.

The person is entitled to one postponement, provided it is requested at least 10 days prior to the scheduled date. The postponement shall be for no more than 30 days. Requests for postponements within 10 days of the scheduled date may be granted, provided both the local office and the accused agree in writing.

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If the notice is returned marked "undelivered" or accepted by someone other than the addressee, personal service shall be arranged by any other method which provides proof of receipt at least 30 days prior to the hearing. It will be necessary to reschedule the hearing, allowing another 45 days. Hearings will be scheduled and arranged by the local office, and will be held on Mondays and Fridays. Copies of all notices and waivers will be sent to the Hearings Unit. When the accused replies that he wants a hearing, the Hearings Unit shall be notified of the time and place.

If the notice is returned marked "refused", it shall be assumed that the addressee received notice.

Should the client fail to appear at the hearing, and the notice was received at least 30 days prior to the hearing date, the hearing shall still be conducted. The hearing officer will base his decision on the evidence presented by the Department.

TIME LIMITS - The Department has ninety days from the date the hearing notice is received to hold the hearing, render the decision, and notify the household.

PARTICIPATION PENDING A HEARING - Continued eligibility and benefit level shall be determined, as for any other household.

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CRITERIA FOR DETERMINING INTENTIONAL PROGRAM VIOLATION - The hearing officer shall base the determination on clear and convincing evidence which demonstrates that the household member committed, and intended to commit, an intentional program violation as defined at 7 CFR 273.16 (c) of the Federal Food Stamp Program Regulations and page 1 of this section of the Maine Food Stamp Manual.

DISQUALIFICATION PENALTIES - The disqualification applies to the individual who was determined to have committed an intentional program violation. The disqualification period will begin with the first month which follows the date the household member is sent written notification of the disqualification that results from the hearing decision. The disqualification periods are as follows:

- 1) first violation - 1 year (6 months if the alleged IPV offense occurred before 8/22/96);
- 2) second violation - 2 years (one year if the alleged IPV offense occurred before 8/22/96);
- 3) third violation - forever.

Certain intentional program violations carry more severe penalties. Those violations and their disqualification periods are as follows:

- 1) a first finding by a court that the recipient has traded Food Stamps for controlled substances - 2 years;
- 2) a second finding by a court that the recipient has traded Food Stamps for controlled substances - forever.
- 3) a first finding by a court that the recipient has traded Food Stamps for firearms, ammunition, or explosives - forever.
- 4) conviction of the individual for trafficking Food Stamp benefits of \$500 or more - forever.

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- 5) a finding by a hearing officer or court that a fraudulent representation was made by an individual with respect to his/her identity or place of residence in order to receive multiple (simultaneous) Food Stamp benefits - 10 years.

See FS 444-4 for treatment of income and assets of disqualified individuals.

NOTE: All disqualifications for violations committed prior to May 1, 1983, will be counted as a single violation for purposes of determining penalties.

Different, Chap. VI

NOTIFICATION OF DECISIONS - When the household member is determined to have committed an IPV, a written notice shall be provided prior to the disqualification. It shall note the date the disqualification begins and ends. Advance notice is not required. See FS 777-3 for collection action.

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DISQUALIFIED RECIPIENT SUBSYSTEM (DRS)

DRS is a centralized national database which contains information on IPV disqualifications from all of the states. Updates are received by the national database and matched with Maine's Food Stamp caseload on a monthly basis. When a match occurs, the originating state must be contacted for independent verification of the IPV disqualification information. This information must be used to determine if a recipient should be serving a disqualification period imposed by another state and to determine the proper disqualification penalty for an individual found or suspected to have committed an IPV. The originating state should be asked whether the IPV disqualification is under appeal and requested to inform you if the IPV disqualification is reversed. If an IPV disqualification is reversed, the individual must be reinstated if the household is eligible and benefits lost as a result of the disqualification must be restored.

A recipient has the right to request a fair hearing if the recipient disagrees with the length of the disqualification that DRS indicates was imposed by a State. However, the fair hearing cannot reverse a determination established at a previous administrative disqualification hearing that the recipient has committed an Intentional Program Violation.

Once a disqualification period has been imposed against a currently participating member, the disqualification period continues uninterrupted until completed. The household would be subject to a claim for any benefits overissued as a result of the disqualified individual's participation during the period of disqualification.

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TANF/PaS: IV Med: 1132

CFR 273.18

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ADMINISTRATIVE PROCEDURES

Claims and Collections

COOPERATION IN THE CLAIM ESTABLISHMENT PROCESS

A household shall be determined *ineligible* if it *refuses*, without good cause, to cooperate in any reviews generated by reported changes and recertifications. The household shall be ineligible until it cooperates with the Department.

All subsequent applications or redeterminations shall result in ineligibility for all households that include a member who was an adult member of a household which was determined ineligible as a result of a *refusal* to cooperate. Good cause provisions apply (e.g. adults separated due to domestic violence, adult child who cannot get a parent's income verification, etc.)

NOTE: Refer to FS-222-1, p.3, FS-222-5, pp. 3-5 for further guidance.

GENERAL RULE - A claim shall be established against any household that has received more benefits than entitled. There are three classifications of claims:

1. Inadvertent Household - An overpayment which was the result of a misunderstanding on the part of the household.
2. Intentional - An overpayment which was the result of a household member intentionally violating a program regulation. This determination must be made by a hearing officer, a court, or a Waiver of Hearing signed by the member.
3. Agency- An overpayment which was the result of a Departmental mistake, or failure to take action in a timely manner.

NOTE: When determining the amount of the claim for claims established after 10/31/96, do not apply the earned income deduction to that portion of earned income

- which the household intentionally failed to report; or,
- which the household failed to report in a timely manner.

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NOTE: The agency shall not establish an overpayment when:

1. The Department fails to ensure that a household fulfill the following procedural requirements:
 - Sign the application form.
 - Complete a work referral form.
2. A household was not required to report a change which results in reduced benefits or ineligibility for benefits.
3. The overpayment is caused by agency error or inadvertent household error, has a dollar value of under \$200, and the household is not participating when the overissuance is discovered.

EXCEPTION: All overpayments resulting from either a Quality Control review or trafficking must be established regardless of the amount or cause. (See definition of trafficking at FS-999-1, p6.)

NOTE: In situations where there are overpayments for both State funded benefits and Federally funded benefits to non-citizens, the overpayment attributable to the Federally funded benefits will be collected first.

FAIR HEARING REQUESTS

If a household requests a fair hearing due to an initial demand notice, collection activity is to stop pending the fair hearing decision.

If a hearing officer decides that an overpayment exists against the household, the household must be re-notified of the overpayment without hearing rights on the same issue.

If the amount of an overpayment was not determined prior to, or with the fair hearing decision, the claimant shall have the right to request a fair hearing on the amount of the overpayment as stated in the re-notification.

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TIME LIMITS ON DETERMINING CLAIMS.

1. Agency - Go back as far as twelve months from the time the overpayment was discovered.
2. Intentional - Go back as far as six years from the date the overpayment was discovered.
3. Inadvertent - Go back as far as six years from the date the overpayment was discovered.

PROMPT RECOVERY OF CLAIMS

Prompt recovery is required. The Department must initiate action to locate and/or recover the overpayment from a current or former recipient by the end of the quarter following the quarter in which the overpayment is first identified. The required action is determined by the type of claim:

- For agency error and inadvertent household error claims, the demand letter must be sent.
- For intentional program violation claims, the letter scheduling the intentional program violation hearing must be sent.

COLLECTION PROCEDURES

1. Determine what the benefit would have been had the household or the agency acted correctly. Offset the overpayment by offsetting any restored benefits due the household.

NOTE: The calculation must include a separate amount due if the household contains a member who was eighteen (18) years old during only part of the overpayment period. This is for collection purposes only.

2. Enter total claim into the computer system.

NOTE: When calculating an overpayment as the result of trafficking, use the amount of Food Stamps involved in the trafficking.

3. Authorize the appropriate computer generated repayment notice and immediately invoke allotment reduction if the case is still open. Make a personal contact, as appropriate.

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AFDC Reference

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NOTE: For inadvertent household or agency error claims, the mandatory reduction amount shall be the greater of 10% of the monthly benefit, or \$10.00. For intentional claims, the mandatory reduction amount shall be the greater of 20%, or \$20.00. A higher rate may be used with the household's permission.

4. Cases with an outstanding claim shall be referred to Fraud, Investigation and Recovery (FIR).

SUSPENSION OF COLLECTION ACTIVITIES

1. Collection attempts on an inadvertent household claim involving a closed case may be suspended after one demand letter and filed for future reference.
2. Collection attempts on any agency claim may be suspended after one demand letter and filed for future reference.
3. Fraud, Investigation and Recovery may suspend collection attempts on a referred intentional claim involving a closed case after three attempts; when it does, the originating office shall be notified, and the claim shall be filed in the case folder for future reference.

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Chapter VI

ADMINISTRATIVE PROCEDURES

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TIME LIMITS ON COLLECTION ACTIVITIES

1. Outstanding claims may be terminated by Fraud, Investigation and Recovery after 36 consecutive months with no collection activity. Outstanding balances on terminated claims regardless of the classification, shall be offset before restoration of lost benefits.
2. A claim shall be closed when it has been paid in full.

RECOVERY METHODS AND PROCEDURES

1. Households should be encouraged to repay any claim by a lump sum cash payment. The household is not, however, expected to liquidate all its resources.
2. If the household is not able to pay the entire amount at one time, it should be encouraged to repay through installment payments or allotment reduction. FS may be used as full or partial payment of any installment.

NOTE: Cash repayments shall be made by check or money order payable to Treasurer, State of Maine. Payments shall be forwarded to the FSIU via an IM-015a.

3. If the household misses a scheduled installment, a notice shall be sent. Renegotiation can be done at any time.

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NOTE: Collection action shall be initiated against any or all of the adult members of a household at the time an overpayment occurred. Food Stamp recipients responsible for repayment of overpayments are those members of the household at least eighteen (18) years of age. A person who attains the age of eighteen (18) during the overpaid period is responsible for that portion of the overpayment amount occurring after the attainment of age eighteen (18). If a change in household composition occurs, collection action may be pursued against any household which has a member who was an adult member of the household that received the overissuance. The amount of the initial claim may also be offset against restored benefits owed to the household which contains such a member.

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CFR 274.3, 274.6

Section: **FS-777-4**

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Replacement of Coupons

GENERAL RULE - Allotments reported as not delivered will be replaced only if the loss is reported in the period of intended use. The period of intended use of regular monthly allotments is from the date of one issuance to the date of the next scheduled issuance. Allotments issued after the 25th of the month are intended to be used through the last day of the following month.

EXCEPTION: Allotments issued after the 22nd of February are intended for use through March.

NOTE: No more than two allotments lost in the mail in any six-month period can be replaced.

PROCEDURES FOR REPLACING ALLOTMENTS LOST IN THE MAIL

1. **Regular Mail:**

- a. Check to determine if allotment was issued and mailed; if not, do not authorize replacement.
- b. Determine that five days have elapsed since mailing.
- c. Determine that the allotment has not been returned; if returned, follow procedures for replacing returned allotments.
- d. After five days from mailing, if allotment has not been delivered or returned, the client shall complete Part 1, Section A of Form FSP-099, and a Form PS-1510.

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- e. Send PS-1510 to U.S. Post Office, Augusta, Maine. Authorize replacement, Code R, and file FSP-099 in the case file.

The agency shall decide whether the replacement allotment and subsequent allotments shall be mailed "Certified" or addressed to the Regional Office for client pickup. The alternative delivery method shall continue until the agency determines that there is no longer a risk. Placement of a household in an alternate delivery system is not subject to the fair hearing process. If the household requests to be placed on one of these alternate issuance methods, that request should be honored.

2. Post Office Boxes, General Delivery, In Care Of Second Party:

- a. Follow steps for regular mail losses.
- b. When it is known that a person outside the household has access to the Post Office Box, a replacement cannot be authorized until each person having access to the box has signed an affidavit confirming that he did not receive the allotment. The same rule applies when the allotment is mailed "In Care Of".

EXCEPTION: If others are known to have access to the Post Office Box but are unavailable to sign an affidavit (e.g. a child away at school), the responsible household member should detail how and why (s)he reasonably believes no one else used their access to secure the food stamps. The worker will decide, based on the household member's explanation, whether the affidavit must be signed by the non-household person who has access to the Post Office Box.

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Replacement of Coupons

3. Certified Mail:
- a. Check to determine if allotment was issued and mailed; if not, do not authorize replacement.
 - b. Determine that five days have elapsed since mailing.
 - c. Determine that the allotment has not been returned; if returned, follow procedures for replacing returned allotments.
 - d. After five days from mailing, if allotment has not been delivered or returned, the client shall complete Part 1, Section A of Form FSP-099, and a Form PS-1510.
 - e. The Eligibility Specialist must complete appropriate sections of Part II and Part III of the FSP-099, and forward the PS-1510 to the U.S. Post Office, Augusta, Maine.
 - f. Authorize replacement, code R, and file FSP-099 in the case file.

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Replacement of Coupons

4. Allotments with Books Missing:
 - a. Determine the value of coupons reported missing.
 - b. If supported by evidence of damage, follow procedures for replacing regular mail losses.
 - c. If not supported by evidence of damage, check to see if the FSIU's inventory had a discrepancy on the day of issuance.
 - d. If there was an issuance discrepancy, the client shall complete Part I, Section B, and the Eligibility Specialist shall complete Part II and Part III of the FSP-099. A supplemental allotment shall be authorized.

PROCEDURES FOR REPLACING ALLOTMENTS RETURNED AS UNDELIVERED

1. Check to determine if allotment was returned undelivered.
2. If allotment was returned, determine cause of non-delivery.
3. Make any necessary corrections and authorize a replacement, Code M.
4. Complete Part II, Section B, and Part III of the FSP-099.

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CFR 274.6, 280.1

Section: **FS-777-4**

ADMINISTRATIVE PROCEDURES

Replacement of Coupons

**PROCEDURES FOR REPLACING COUPONS OR FOOD PURCHASED
WITH COUPONS DESTROYED AFTER RECEIPT**

NOTE: Coupons or food destroyed after receipt can be replaced only when due to a household misfortune, such as but not limited to fire or flood, or special disaster declaration by the Secretary of Agriculture. The household must report the loss within the period of intended use or within ten days of the disaster.

1. The household must complete Part I, Section C of the FSP-099.
2. The disaster must be verified and Part III of the FSP-099 shall be completed by the Eligibility Specialist.
3. In situations involving a household misfortune, a replacement not to exceed one month's allotment shall be authorized within ten (10) days - Code S.
4. In situations where the Secretary of Agriculture has issued a disaster declaration, an allotment to replace food destroyed in the disaster shall be authorized within ten (10) days - Code S. The allotment shall be equal to the value of food actually lost in the disaster but not to exceed the maximum monthly allotment for that household size.

EXCHANGE OF COUPONS

When a household presents mutilated or improperly manufactured coupons, the following steps will be taken:.

1. Complete FSP-015.
2. Authorize appropriate replacement - Code S.
3. Forward original FSP-015 and coupons to the FSIU.

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TANF or PaS Reference

CFR 273.10 and 273.13
273.14 and 273.21Section: **FS-777-5**

ADMINISTRATIVE PROCEDURES

Notices

GENERAL RULE - Whenever the agency takes an action affecting the household's eligibility or benefits, an adequate notice shall be provided (FS 999-1).

EXCEPTION: No notice is required when the entire household dies or moves out of State.

APPLICATION NOTICES - Applicant households shall be mailed an adequate notice of the agency's action within thirty days of the application date. The notice shall contain the following:

1. The amount of benefits, including any retroactive payment and the period covered;
2. length of certification.

NOTE: Households certified for one or two months shall receive an application notice and a notice of expiration at the same time.

REDETERMINATION NOTICES - Participating households which meet the "timely redetermination" time standards listed at FS-666-9 shall be mailed an adequate notice of the agency action by the end of the household's current certification period.

Participating households which do not meet the timely redetermination time standards shall be mailed an adequate notice of agency action within 30 days after the date the redetermination form was filed.

ADVANCE NOTICE RESULTING FROM REPORTED CHANGES AND COMPUTER MATCHES OTHER THAN BEERS or IRS - When a change results in a decrease, closure, or suspension, the household shall be mailed an adequate notice twelve days in advance of the effective date of the action.

**DEPARTMENT OF HUMAN SERVICES
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TANF or PaS: I, VI Med: 1440, 1441, 1442 CFR 273.10 and 273.13
273.14 and 273.21

Section: **FS-777-5**

ADMINISTRATIVE PROCEDURES

Notices

EXCEPTIONS: Advance notice is not required for the following instances:

- the household's address is unknown and mail directed to it has been returned by the post office indicating no known forwarding address.
- a mass change which is not based upon a computer to computer match with Federal records;
- the decrease or closure is solely due to written information provided and signed by a responsible member of the household which includes a request that the action take effect immediately;
- mandatory allotment reduction;
- the household has been receiving restored benefits in installments and the restoration has been completed;
- the decrease or closure is the result of a disqualification for an intentional program violation.

NOTE: Adequate notice of the agency action shall be mailed at least five (5) days prior to the normal issuance date.

ADVANCE NOTICE RESULTING FROM COMPUTER TO COMPUTER MATCHES WITH BEERS or IRS RECORDS When an adverse action is the result of a computer to computer match involving automated BEERS or IRS records, the household shall be mailed an adequate notice at least 30 days in advance of the effective date of the action.

OTHER CHANGE NOTICES When a reported change results in an increase or the benefit remains the same, the household will be mailed an adequate notice at least five days prior to the normal issuance date.

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TANF or PaS Reference

CFR 271.6 (a) (1)

Section: **FS-777-6**

ADMINISTRATIVE PROCEDURES

Program Complaints

GENERAL RULE - All complaints regarding processing standards and service to food stamp participants, potential participants, or interested individuals or groups shall be directed to the appropriate TANF or PaS/FS Unit Supervisor. The complainant shall be provided a written response within 15 days and a copy shall be forwarded to the Regional Manager. The response shall specify the action taken and that the complainant can further appeal to the Regional Manager. Appeals to the Regional Manager shall be processed and notification made to the complainant within 10 days of the appeal. The notice shall advise that if the complainant is still dissatisfied that he/she can appeal to the Deputy Director, Bureau of Family Independence for final resolution. A final disposition will be made and the complainant notified within 10 days of the final appeal.

Information about the program complaint system and how to file a complaint shall be made available through pamphlets available at each regional office. Program complaints received through the statewide food stamp information hot-line will be referred to the appropriate TANF or PaS/Food Stamp Unit Supervisor.

EXCEPTION:

1. Complaints about discrimination on the basis of race, sex, age, religious creed, national origin, political beliefs, or handicaps shall be handled as outlined in FS-1 of the Maine Food Stamp Manual.
2. Disagreements with agency actions affecting benefits shall be handled through the Fair Hearings process set forth in FS 777-1.

**DEPARTMENT OF HUMAN SERVICES
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TANF or PaS Reference

CFR 271.6 (a) (1)

Section: **FS-777-6**

ADMINISTRATIVE PROCEDURES

Not applicable

Program Complaints

3. Allegations of misconduct or other complaints against an individual employee shall be processed in accord with Article 12 of the Collective Bargaining Contract in effect at the time of the complaint.

Each Regional Manager shall maintain a file or files containing sufficient data to show the disposition of each complaint. Information on each complaint shall be retained for a period of 3 years from the date of the end of the federal fiscal year in which the complaint was filed.